

RESOLUTION

A RESOLUTION ACCEPTING PERMANENT WETLAND EASEMENT AND PRESERVATION COVENANTS FROM DRA PROPERTIES, L.C., A PRESERVATION COVENANT FROM DES MOINES AREA COMMUNITY COLLEGE, AND ESTABLISHING A PRESERVATION COVENANT ON PROPERTY OWNED BY THE CITY OF ANKENY

WHEREAS, The US Army Corps of Engineers, Rock Island District, issued Section 404 Permit Number CEMVR-OD-P-2006-218 effective September 25, 2007 jointly to the City of Ankeny and DRA Properties for the development of Prairie Trail; and

WHEREAS, the permit stipulates that covenants and the 401 Certification issued by the Iowa Department of Natural Resources be filed with the County Recorder that protects the created wetlands, the enhanced stream, and the buffers around the ponds in perpetuity; and

WHEREAS, DRA Properties L. C. has agreed to grant to the City of Ankeny, Iowa, a permanent wetland easement, and preservation covenants to protect the pond and the stream channel, and

WHEREAS, the Des Moines Area Community College. has agreed to grant to the City of Ankeny, Iowa, a preservation covenant to protect the stream channel, and

WHEREAS, the City Council of the City of Ankeny, Iowa deems it to be in the best interest of the City to accept said permanent wetland easement and preservation covenants from DRA Properties L.C. and the Des Moines Area Community College and establish a preservation covenant to protect the city-owned pond in Prairie Trail.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Ankeny, Iowa, that the wetland easement and preservation covenants are hereby accepted from DRA Properties, L.C., and the Des Moines Area Community College, and a preservation covenant is hereby granted on property owned by the City of Ankeny; and

BE IT FURTHER RESOLVED that the City Clerk is directed to file the easement, covenants and 401 Certification with the Polk County Recorder for entry into the property records, and provide "Filed" stamped copies of the documents to the US Army Corps of Engineers, Rock Island District and to the Iowa Department of Natural Resources.

DATED this 20th day of September, 2010.

Steven D. Van Oort, Mayor

ATTEST:

Pamela DeMouth, City Clerk